

Calendar No. 555

103D CONGRESS  
2D SESSION

**S. 1165**

[Report No. 103-331]

**A BILL**

To provide for judicial review of Nuclear Regulatory Commission decisions on petitions for enforcement actions, and for other purposes.

AUGUST 11, 1994

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 22), 1993

Mr. LIEBERMAN (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 11, 1994

Reported by Mr. BAUCUS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To provide for judicial review of Nuclear Regulatory Commission decisions on petitions for enforcement actions, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be referred to as the “Nuclear Enforce-  
5       ment Accountability Act of 1993”.

1 **SEC. 2. ENFORCEMENT PETITIONS AND JUDICIAL REVIEW.**

2 Section 189 of the Atomic Energy Act of 1954 (42  
3 U.S.C. 2239) is amended by adding at the end the follow-  
4 ing new subsection:

5 “d. ENFORCEMENT PETITIONS.—

6 “(1) IN GENERAL.—Any person may petition  
7 the Nuclear Regulatory Commission to institute a  
8 proceeding to modify, suspend, or revoke a license,  
9 or for such other action as may be proper.

10 “(2) STANDARDS FOR GRANTING.—The Com-  
11 mission shall grant any request under paragraph (1)  
12 if the petitioner demonstrates material evidence rea-  
13 sonably indicating that—

14 “(i) the holder of the license with respect  
15 to which a request has been made under para-  
16 graph (1) is in significant noncompliance with  
17 the terms of the license, this chapter, or the  
18 Commission’s regulations, or

19 “(ii) the activities of the license present a  
20 substantial hazard to the public health and  
21 safety or common defense and security.

22 “(3) JUDICIAL REVIEW.—Any Commission  
23 order denying a request under this subsection shall  
24 be subject to judicial review in accordance with  
25 chapter 158 of title 28, United States Code, and  
26 chapter 7 of title 5, United States Code.”.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be referred to as the “Nuclear Enforce-*  
 3 *ment Accountability Act of 1994”.*

4 **SEC. 2. ENFORCEMENT PETITIONS AND JUDICIAL REVIEW.**

5       *Section 189 of the Atomic Energy Act of 1954 (42*  
 6 *U.S.C. 2239) is amended by adding at the end the following*  
 7 *new subsection:*

8       “(c) *ENFORCEMENT PETITIONS.*—

9               “(1) *IN GENERAL.*—Any person may petition the  
 10 *Nuclear Regulatory Commission to institute a pro-*  
 11 *ceeding to modify, suspend, or revoke a license issued*  
 12 *under this Act, or to take such other action as may*  
 13 *be proper.*

14               “(2) *STANDARDS FOR GRANTING PETITIONS.*—  
 15 *The Commission shall institute a proceeding to mod-*  
 16 *ify, suspend, or revoke such a license, or shall take*  
 17 *such other action as may be proper, if the petitioner*  
 18 *demonstrates material evidence reasonably indicating*  
 19 *that—*

20                       “(A) *the holder of the license with respect to*  
 21 *which a request has been made under paragraph*  
 22 *(1) is in significant noncompliance with the*  
 23 *terms of the license, this chapter, or the regula-*  
 24 *tions of the Commission; or*

1           “(B) the activities under the license present  
2           a substantial hazard to the public health and  
3           safety or common defense and security.

4           “(3) JUDICIAL REVIEW.—Any Commission deci-  
5           sion under paragraph (2) in response to a petition  
6           submitted under paragraph (1) shall be subject to ju-  
7           dicial review in accordance with chapter 158 of title  
8           28, United States Code, and chapter 7 of title 5,  
9           United States Code. If a court of appeals determines  
10          that an appeal under this paragraph is frivolous, the  
11          court may award just damages and single or double  
12          costs to the appellee.”.